

The House Committee on Judiciary Non-civil offers the following substitute to SB 522:

A BILL TO BE ENTITLED
AN ACT

To provide for a short title; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change certain provisions relating to disposition for certain delinquent acts; to change provisions relating to a juvenile court judge's authority in setting a commitment disposition for certain delinquency cases; to provide for the manner in which the Department of Juvenile Justice may discharge certain juveniles; to amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to change certain provisions relating to commitment of delinquent or unruly children and their discharge from commitment; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Amy's Law."

SECTION 2.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking Code Section 15-11-70, relating to duration and termination of orders of disposition for delinquent or unruly children and extensions of such orders, and inserting in lieu thereof the following:

"15-11-70.

(a) Except as ~~otherwise~~ provided by law in subsection (b) of this Code section, an order of disposition committing a delinquent or unruly child to the Department of Juvenile Justice continues in force for two years or until the child is sooner discharged by the Department of Juvenile Justice. The court which made the order may extend its duration for an additional two years subject to like discharge, if:

(1) A hearing is held upon motion of the Department of Juvenile Justice prior to the expiration of the order;

S. B. 522 (SUB)

1 (2) Reasonable notice of the factual basis of the motion and of the hearing and an
2 opportunity to be heard are given to the child and the parent, guardian, or other custodian;
3 and

4 (3) The court finds that the extension is necessary for the treatment or rehabilitation of
5 the child.

6 (b) If the court commits a delinquent child to the Department of Juvenile Justice for a
7 delinquent act which if done by an adult would be the crime of murder, then the court's
8 commitment may continue until the child's twenty-first birthday. The court shall determine
9 whether any or all of the child's commitment should include an order for restrictive
10 custody by making specific written findings of fact using the elements set forth in
11 paragraphs (1) through (5) of Code Section 15-11-63. Any child committed to the
12 Department of Juvenile Justice under the provisions of this subsection shall not be released
13 from confinement or discharged from the custody of the Department of Juvenile Justice
14 unless a motion for early release is granted by the court. The court which made the order
15 of commitment may shorten the duration of its order if:

16 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
17 court's own motion;

18 (2) Reasonable notice of the factual basis of the motion and of the hearing and an
19 opportunity to be heard are given to the parties affected; and

20 (3) The court finds that the discharge is necessary to accomplish the purposes of the
21 original order and for the treatment or rehabilitation of the child.

22 ~~(b)~~(c) Except as ~~otherwise provided by law~~, in subsection (b) of this Code section, any
23 other order of disposition in a proceeding involving delinquency or unruliness, except an
24 order involving the appointment of a guardian of the person or property of a child,
25 continues in force for not more than two years. The court may sooner terminate its order
26 or extend its duration for further periods. An order of extension may be made if:

27 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
28 court's own motion;

29 (2) Reasonable notice of the factual basis of the motion and of the hearing and
30 opportunity to be heard are given to the parties affected;

31 (3) The court finds that the extension is necessary to accomplish the purposes of the
32 order extended; and

33 (4) The extension does not exceed two years from the expiration of the prior order.

34 ~~(c)~~(d) The court may terminate an order of disposition of a child adjudicated as delinquent
35 or unruly or an extension of such a disposition order prior to its expiration, on or without
36 an application of a party, if it appears to the court that the purposes of the order have been
37 accomplished.

~~(d)~~(e) Unless otherwise provided by law, when a child who has been adjudicated as delinquent or unruly reaches 21 years of age all orders affecting him or her then in force terminate and he or she is discharged from further obligation or control."

SECTION 3.

Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, is amended by striking subsection (e) of Code Section 49-4A-8, relating to commitment of delinquent or unruly children and their discharge from commitment, and inserting in lieu thereof the following:

“(e) Except as provided by subsection (e.1) of this Code section and subsection (b) of Code Section 15-11-70, when a delinquent or unruly child has been committed to the department for detention and a diagnostic study for the purpose of determining the most satisfactory plan for the child’s care and treatment has been completed, the department may:

- (1) Permit the child liberty under supervision and upon such conditions as the department may believe conducive to acceptable behavior;
- (2) Order the child's confinement under such conditions as the department may believe best designed to serve the child's welfare and as may be in the best interest of the public;
- (3) Order reconfinement or renewed release as often as conditions indicate to be desirable;
- (4) Revoke or modify any order of the department affecting the child, except an order of final discharge, as often as conditions indicate to be desirable; or
- (5) Discharge the child from control of the department pursuant to subsection (a) of Code Section 15-11-70 when it is satisfied that such discharge will best serve the child's welfare and the protection of the public."

SECTION 4.

This Act shall become effective on July 1, 2006, and shall apply to all delinquent acts occurring on or after July 1, 2006.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.